

PROSKAUER ROSE LLP  
Howard L. Ganz (HG-8644)  
Evandro C. Gigante (EG-7402)  
1585 Broadway  
New York, NY 10036-8299  
Telephone 212.969.3000  
Fax 212.969.2900  
Email: hganz@proskauer.com  
egigante@proskauer.com  
*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
ANNETTE SMITH, :  
Plaintiff, : 08 Civ. 7888 (WHP)(RLE)  
against :  
NATIONAL BASKETBALL ASSOCIATION, : REPLY DECLARATION OF  
INC., and BERNARD TOLBERT, : HOWARD L. GANZ, ESQ.  
Defendants. ----- X

I, Howard L. Ganz, Esq., declare, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney with the law firm of Proskauer Rose LLP, attorneys for Defendants National Basketball Association (“NBA”; incorrectly identified as “National Basketball Association, Inc.”) and Bernard Tolbert (collectively “Defendants”) in the above-captioned action. I am fully familiar with the facts set forth herein. I submit this Reply Declaration in further support of Defendants’ Motion for Summary Judgment.

2. Attached hereto as Exhibit A is a true and correct copy of transcript pages from the deposition of Plaintiff Annette Smith, taken by Defendants on April 21, 2009.

3. Attached hereto as Exhibit B is a true and correct copy of transcript pages from the deposition of Bernard Tolbert, taken by Plaintiff on May 8, 2009.

4. Attached hereto as Exhibit C is a true and correct copy of transcript pages from the deposition of Warren Glover, taken by Plaintiff on May 27, 2009.

5. Attached hereto as Exhibit D is a true and correct copy of transcript pages from the deposition of Kelley Hardwick, taken by Plaintiff on May 27, 2009.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: September 10, 2009  
New York, New York

By:   
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Telephone: 212.969.3000  
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E-mail: hganz@proskauer.com  
*Attorneys For Defendants*